

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MUNCEY MORRIS,

Plaintiff,

-vs-

NEWBERRY CORRECTIONAL
FACILITY, ET AL.,

Defendants.

No. 11-10938

District Judge Thomas L. Ludington
Magistrate Judge R. Steven Whalen

ORDER DENYING MOTION TO AMEND

Before the Court is Plaintiff's motion to amend/clarify his complaint [Doc. #79]. Plaintiff, a prison inmate in the custody of the Michigan Department of Corrections ("MDOC"), has brought an action under 42 U.S.C. § 1983, claiming deliberate indifference to his serious medical needs, in violation of the Eighth Amendment.

In his motion, Plaintiff indicates that he has now exhausted his administrative remedies within the MDOC. However, a prisoner must complete the administrative process *before* filing a lawsuit in federal court. *Freeman v. Francis*, 196 F.3d 641, 645 (6th Cir.1999). A prisoner is not permitted to exhaust administrative remedies while his federal suit is pending. *Larkins v. Wilkinson*, 1998 WL 898870, at *2 (6th Cir. Dec.17, 1998) (unpublished) (dismissing plaintiff's complaint where his "attempt to exhaust his available administrative remedies only after filing suit in federal court ignores the clear mandate of § 1997e(a) which requires exhaustion ... prior to filing suit in federal court.").

Accordingly, Plaintiff's motion to amend/clarify [Doc. #79] is DENIED.

11-10938 Morris v. Newberry

IT IS SO ORDERED.

Dated: August 28, 2013

s/ R. Steven Whalen
R. STEVEN WHALEN
UNITED STATES MAGISTRATE JUDGE

I hereby certify that a copy of the foregoing document was sent to parties of record on August 28, 2013, electronically and/or by U.S. mail.

s/Michael Williams
Case Manager to the
Honorable R. Steven Whalen